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## NOTICE OF ALLOWANCE AND FEE(S) DUE

23644 7590 11/03/2008

BARNES & THORNBURG LLP  
P.O. BOX 2786  
CHICAGO, IL 60690-2786

EXAMINER

D AGOSTA, STEPHEN M

ART UNIT

PAPER NUMBER

2617

DATE MAILED: 11/03/2008

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/650,227	08/28/2003	Liam Mannion	920476-94734	6366
TITLE OF INVENTION: LOAD BALANCING IN A NETWORK OF CONTACT CENTRES				

APPLN. TYPE	SMALL ENTITY	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	NO	\$1510	\$300	\$0	\$1810	02/03/2009

THE APPLICATION IDENTIFIED ABOVE HAS BEEN EXAMINED AND IS ALLOWED FOR ISSUANCE AS A PATENT. **PROSECUTION ON THE MERITS IS CLOSED.** THIS NOTICE OF ALLOWANCE IS NOT A GRANT OF PATENT RIGHTS. THIS APPLICATION IS SUBJECT TO WITHDRAWAL FROM ISSUE AT THE INITIATIVE OF THE OFFICE OR UPON PETITION BY THE APPLICANT. SEE 37 CFR 1.313 AND MPEP 1308.

THE ISSUE FEE AND PUBLICATION FEE (IF REQUIRED) MUST BE PAID WITHIN **THREE MONTHS FROM THE MAILING DATE OF THIS NOTICE** OR THIS APPLICATION SHALL BE REGARDED AS ABANDONED. **THIS STATUTORY PERIOD CANNOT BE EXTENDED.** SEE 35 U.S.C. 151. THE ISSUE FEE DUE INDICATED ABOVE DOES NOT REFLECT A CREDIT FOR ANY PREVIOUSLY PAID ISSUE FEE IN THIS APPLICATION. IF AN ISSUE FEE HAS PREVIOUSLY BEEN PAID IN THIS APPLICATION (AS SHOWN ABOVE), THE RETURN OF PART B OF THIS FORM WILL BE CONSIDERED A REQUEST TO REAPPLY THE PREVIOUSLY PAID ISSUE FEE TOWARD THE ISSUE FEE NOW DUE.

### HOW TO REPLY TO THIS NOTICE:

I. Review the SMALL ENTITY status shown above.

If the SMALL ENTITY is shown as YES, verify your current SMALL ENTITY status:

A. If the status is the same, pay the TOTAL FEE(S) DUE shown above.

B. If the status above is to be removed, check box 5b on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and twice the amount of the ISSUE FEE shown above, or

If the SMALL ENTITY is shown as NO:

A. Pay TOTAL FEE(S) DUE shown above, or

B. If applicant claimed SMALL ENTITY status before, or is now claiming SMALL ENTITY status, check box 5a on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and 1/2 the ISSUE FEE shown above.

II. PART B - FEE(S) TRANSMITTAL, or its equivalent, must be completed and returned to the United States Patent and Trademark Office (USPTO) with your ISSUE FEE and PUBLICATION FEE (if required). If you are charging the fee(s) to your deposit account, section "4b" of Part B - Fee(s) Transmittal should be completed and an extra copy of the form should be submitted. If an equivalent of Part B is filed, a request to reapply a previously paid issue fee must be clearly made, and delays in processing may occur due to the difficulty in recognizing the paper as an equivalent of Part B.

III. All communications regarding this application must give the application number. Please direct all communications prior to issuance to Mail Stop ISSUE FEE unless advised to the contrary.

**IMPORTANT REMINDER:** Utility patents issuing on applications filed on or after Dec. 12, 1980 may require payment of maintenance fees. It is patentee's responsibility to ensure timely payment of maintenance fees when due.

# **PART B - FEE(S) TRANSMITTAL**

**Complete and send this form, together with applicable fee(s), to:** Mail **Mail Stop ISSUE FEE**  
**Commissioner for Patents**  
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**INSTRUCTIONS:** This form should be used for transmitting the ISSUE FEE and PUBLICATION FEE (if required). Blocks 1 through 5 should be completed where appropriate. All further correspondence including the Patent, advance orders and notification of maintenance fees will be mailed to the current correspondence address as indicated unless corrected below or directed otherwise in Block 1, by (a) specifying a new correspondence address; and/or (b) indicating a separate "FEE ADDRESS" for maintenance fee notifications.

CURRENT CORRESPONDENCE ADDRESS (Note: Use Block 1 for any change of address)

Note: A certificate of mailing can only be used for domestic mailings of the Fee(s) Transmittal. This certificate cannot be used for any other accompanying papers. Each additional paper, such as an assignment or formal drawing, must have its own certificate of mailing or transmission.

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**BARNES & THORNBURG LLP**  
**P.O. BOX 2786**  
**CHICAGO, IL 60690-2786**

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I hereby certify that this Fee(s) Transmittal is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to the Mail Stop ISSUE FEE address above, or being facsimile transmitted to the USPTO (571) 273-2885, on the date indicated below.

(Depositor's name)
(Signature)
(Date)

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nonprovisional	NO	\$1510	\$300	\$0	\$1810	02/03/2009

EXAMINER	ART UNIT	CLASS-SUBCLASS
D AGOSTA, STEPHEN M	2617	379-265000

1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363).

- ☐ Change of correspondence address (or Change of Correspondence Address form PTO/SB/122) attached.  
☐ "Fee Address" indication (or "Fee Address" Indication form PTO/SB/47; Rev 03-02 or more recent) attached. Use of a **Customer Number is required.**

2. For printing on the patent front page, list

- (1) the names of up to 3 registered patent attorneys or agents OR, alternatively, 1 \_\_\_\_\_  
 (2) the name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed. 2 \_\_\_\_\_  
 3 \_\_\_\_\_

3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)

PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. If an assignee is identified below, the document has been filed for recordation as set forth in 37 CFR 3.11. Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE

(B) RESIDENCE: (CITY and STATE OR COUNTRY)

Please check the appropriate assignee category or categories (will not be printed on the patent): ☐ Individual ☐ Corporation or other private group entity ☐ Government

4a. The following fee(s) are submitted:

- ☐ Issue Fee  
☐ Publication Fee (No small entity discount permitted)  
☐ Advance Order - # of Copies \_\_\_\_\_

4b. Payment of Fee(s): (Please first reapply any previously paid issue fee shown above)

- ☐ A check is enclosed.  
☐ Payment by credit card. Form PTO-2038 is attached.  
☐ The Director is hereby authorized to charge the required fee(s), any deficiency, or credit any overpayment, to Deposit Account Number \_\_\_\_\_ (enclose an extra copy of this form).

5. **Change in Entity Status** (from status indicated above)

- ☐ a. Applicant claims SMALL ENTITY status. See 37 CFR 1.27. ☐ b. Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).

NOTE: The Issue Fee and Publication Fee (if required) will not be accepted from anyone other than the applicant; a registered attorney or agent; or the assignee or other party in interest as shown by the records of the United States Patent and Trademark Office.

Authorized Signature \_\_\_\_\_ Date \_\_\_\_\_  
 Typed or printed name \_\_\_\_\_ Registration No. \_\_\_\_\_

This collection of information is required by 37 CFR 1.311. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, Virginia 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.

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## Determination of Patent Term Adjustment under 35 U.S.C. 154 (b) (application filed on or after May 29, 2000)

The Patent Term Adjustment to date is 211 day(s). If the issue fee is paid on the date that is three months after the mailing date of this notice and the patent issues on the Tuesday before the date that is 28 weeks (six and a half months) after the mailing date of this notice, the Patent Term Adjustment will be 211 day(s).

If a Continued Prosecution Application (CPA) was filed in the above-identified application, the filing date that determines Patent Term Adjustment is the filing date of the most recent CPA.

Applicant will be able to obtain more detailed information by accessing the Patent Application Information Retrieval (PAIR) WEB site (<http://pair.uspto.gov>).

Any questions regarding the Patent Term Extension or Adjustment determination should be directed to the Office of Patent Legal Administration at (571)-272-7702. Questions relating to issue and publication fee payments should be directed to the Customer Service Center of the Office of Patent Publication at 1-(888)-786-0101 or (571)-272-4200.

**Notice of Allowability****Application No.**

10/650,227

**Applicant(s)**

MANNION ET AL.

**Examiner**

Stephen M. D'Agosta

**Art Unit**

2617

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the pre-appeal filed 7-21-2008.
2. ☒ The allowed claim(s) is/are 1-15.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some\* c) ☐ None of the:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.  
(a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached  
1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.  
(b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.  
**Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).**
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08),  
Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413),  
Paper No./Mail Date \_\_\_\_\_
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_.

## **DETAILED ACTION**

### ***Response to Arguments***

Applicant's arguments, see Pre-appeal, filed 7-21-2008, with respect to the claims have been fully considered and are persuasive. The rejection of claims 1-8 and 9-15 has been withdrawn.

1. The claims were discussed at a pre-appeal conference and deemed novel.
2. A new examiner, Stephen D'Agosta, has been assigned to this case.

### ***Allowable Subject Matter***

The following is an examiner's statement of reasons for allowance:

1. The applicant argues "*..The present invention on receiving a contact at one of the network of contact centers sends a reservation request to each contact center in the network including itself. The source contact center then receives from one or more (not necessarily all) of the contact centers (including itself) information for an agent with a specified relative intrinsic value. Note that the information provided by any responding contact center does not comprise data providing the statuses of all agents at such contact center, but merely information for an agent at that contact center with a specified relative intrinsic value. The information is therefore very specific being responsive to the reservation request requesting that the other contact centers, in effect, identify a 'best available agent' at each said contact center*".

This argument is persuasive.

2. The applicant argues "*...As such, it is implicit that the present invention uses real time information in contrast to the historical agent status data stored in the local stat servers of the Milostavsky and Goecke combination, and is small in bandwidth since it identifies a value of the specified intrinsic and an agent ID in contrast to the large volumes of agent status data that must be provided periodically to the local stat servers of the proposed combination.*

This argument is persuasive.

3. The applicant argues "*...Furthermore, there is no duplication of data in the present case since each contact center that responds to the reservation request inherently processes the reservation request in respect of only its own agents and not those of other contact centers. In the combination of Miloslavsky and Goecke, the local stat servers must each know the statuses of all agents in other contact centers and must then process this large amount of data to identify a best available agent in one of said many contact centers. The suggested combination is therefore very inefficient in network usage through requiring large amounts of data to be sent periodically to each local star server and inefficient in time taken to identify a best available agent because, for each received contact, a local stat server must process all of said stored data comprising the statues of all agents of the network of contact center*".

This argument is persuasive.

4. The applicant argues "*..Furthermore, the data used to identify a 'best available agent' is always, by its very nature (i.e. historical), out of date. The only way to reduce the 'out of datedness' of the agent status data for all contact centers periodically communicated to each of the local stat servers would be to decrease the period between updates, but this would greatly increase the burden on the systems communication links. One of ordinary skill in the art would not seriously contemplate attempting to provide each local stat server with real time status information of the status of all contact center agents upon receipt of a new contact for the very obvious reason that the delay caused by providing such a quantity of real time information for each new contact would bring the system to a standstill. Thus, this demonstrates one significant difference of the claimed invention over the combination of Miloslavsky and Goecke in that, in the claimed invention, a contact center returns low bandwidth, real time comprising information for an agent with a specified relative intrinsic value in response to a reservation request initiated by receipt of a new contact at one (a source) of the contact centers and not the statuses of all agents at that contact center*".

This argument is persuasive.

5. The applicant argues "*..It simply cannot be contended that the combination of Miloslavsky and Goecke teaches or suggests anything other than periodically communicating to each local stat server the statuses of all agents from all of the contact centers in order to enable a local contact center to identify a best available agent.*

*The combination of Miloslavsky and Goecke does not teach the use of low bandwidth, real time information in identifying a best available agent, which is at least implicit to the claim language and therefore does not represent a submission based on features not contained in the claims.*

*One skilled in the claim will know inherently from the claim language that the feature of information for an agent with a specified relative intrinsic value comprises real time information which I low in bandwidth (comparatively speaking).*

*The combination of Miloslavsky and Goecke requires large amounts of data to be communicated and duplicated to each local stat server and requires significant processing capability at each local stat server/routing server to process all agent status data to identify a best available agent".*

This argument is persuasive.



6. The applicant argues "*..In respect of the advisory action, even if Applicants concede the Examiner's view that the present case does not inherently disclose low bandwidth, real time response data to the reservation requests, which Applicants do not, it is still possible to read Applicants' response and see why what Applicants claim cannot be rendered obvious by the combination of Miloslavsky and Goecke. This combination of prior art references teaches periodically updating each local stat server with agent statuses from all contact centers.*

*Applicants claim providing from one or more of the contact centers in response to a reservation request sent to each contact center information for an agent (at the respective contact center) with a specified relative intrinsic value.*

*Even if one accepts the Examiner's view that the information provided by the one or more contact centers in response to the reservation request is not low bandwidth or real time, the prior art combination still does not teach sending a reservation request to each contact center upon receiving a contact or having the one or more of the contact centers respond to the reservation request with information on an agent.*

*Note the singular of 'an agent'. Thus, setting aside the issue of 'low bandwidth, real time', the comparison between what is claimed and what the combination of prior art references teaches is stark. The prior art combination requires the periodic sending of large volumes of data to local star servers.*

*Applicants' system avoids this by sending information about a single agent from one or more of the contact centers".*

This argument is persuasive.

7. The applicant argues *"..Even if every contact center responds to the reservation request, this amounts to one, relatively speaking, small piece of information on an agent from each contact center, not data concerning every agent at all contact centers as required by the applied combination of prior art references. This is clearly a significant difference not taught or suggested by the prior art combination.*

*Also, in the prior art combination, the data periodically sent to the local stat servers is historical because it is gathered and sent periodically. The only instant it may not be considered as being historical is when a contact is being processed at precisely the same time as the local stat servers are being updated with all agent statuses from all contact centers.*

*In Applicants' case, even though the specified intrinsic may comprise data relating to nodal longest idle agent, the data in the response to the reservation request is not historical because the measurement of 'longest' is relative to the time of receipt and processing of the reservation request at a contact center, i.e. the information is indeed 'real-time' relative to the reservation request rather than*

*retrieved from a store of data that was provided to a server some time ago as in the prior art.*

*Furthermore, the responses to the reservation request are low bandwidth because they comprise information about an agent at a contact center and not information about all agents at all contact centers as taught by the prior art combination”.*

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled “Comments on Statement of Reasons for Allowance.”

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stephen M. D'Agosta whose telephone number is 571-272-7862. The examiner can normally be reached on M-F, 8am to 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dwayne Bost can be reached on 571-272-7023. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Stephen M. D'Agosta/  
Primary Examiner, Art Unit 2617